

AGENDA ITEM NO. 9

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 10 April 2019

Information Paper

Subject : Appeals Performance & Cost
1 January 2018 – 31 December 2018

Report Date: March 2019

EXECUTIVE SUMMARY

The purpose of this report is to advise Members on how the Council has performed in the calendar year 2018 in respect of appeals.

1.0 INTRODUCTION

1.1 The purpose of this report is to advise Members on how the Council has performed in the calendar year of 2018 in respect of appeals. The Council has an indicator within the planning departments Business Plan that aims for 70% of all appeals being dismissed.

1.2 On 9 May 2018, a report to Committee reported appeal performance for the 2017 calendar year. In summary, performance for this period was as follows;

- Overall, the Council was successful in defending 48% of all planning appeals.
- There was a success rate of 52% for appeals heard by way of written representations; 52% of decisions were made in accordance with the recommendation of officers and 25% in accordance with the decision of Committee i.e. contrary to officers' recommendations.
- There were no appeals heard by way of informal hearing.
- During 2017, there were two appeals determined by way of an Inquiry. In both cases planning permission was granted in line with the officer recommendation.

2.0 ALL APPEALS

- 2.1 A total of 29 appeals were determined in 2018, an increase of 4 over that determined in 2017. Of these, 11 were dismissed representing a success rate for the Council of 38% of all appeals dismissed. That equates to a 10% reduction in success rate over 2017.

3.0 WRITTEN REPRESENTATIONS

Overall performance

- 3.1 A total of 25 appeals were determined by written representations in 2018, the same number as those appeals determined by written representations in calendar year 2017. Overall, 11 appeals were dismissed, 14 were allowed. This equates to a success rate of 44% being dismissed, a reduction of 8% of appeals dismissed by written representation procedure in 2017.

Officer performance

- 3.2 Those appeals made following a refusal in accordance with an officer decision made under delegated powers had a success rate of 52% being dismissed. That equates to 13 out of 25 appeals, which is a reduction of 10% in officer performance over the previous year. This is well below the target and also well below neighbouring authorities (see section 11).

A procedural measure has been introduced where each application that is recommended for refusal it needs to be agreed by the Group Head for Planning before a delegated officer decision is made. It is hoped that this way the officer drop in performance can be reversed in 2019.

Committee performance

- 3.3 There were 2 appeals arising out of a committee decision to refuse permission contrary to the recommendation of officers; one was allowed and one was dismissed. This equates to a committee performance of 50%.

4.0 INFORMAL HEARINGS

- 4.1 During 2018, there was one appeal determined by way of informal hearing (The Regis Centre). This appeal was allowed and therefore represented and overall performance of 0%. The officer recommendation to approve was overturned by Committee.

5.0 PUBLIC INQUIRIES

- 5.1 During 2018, there were three appeals determined by way of an Inquiry. All 3 appeals were allowed. One appeal was allowed following an officer recommendation to approve which was overturned by Committee, one allowed following a delegated

officer decision to refuse and the other allowed at a Call-in inquiry in accordance with the officer recommendation,

6.0 MAJOR PROPOSALS

6.1 During this period, there were four appeals classified as a 'major' scheme for development outside of the Arun Local Plan defined built up area. These were:

- CM/1/17/OUT – Land west of Church Lane and south of Horsemere Green Lane. Outline application for the erection of up to 300.

This appeal was allowed following an overturn by Committee of the officer's recommendation to approve.

- Y/80/16/OUT – Land to the south of Ford Lane and east of North End Road. Outline application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100.

This appeal was allowed following an officer's delegated decision to refuse.

- AL/8/16/OUT – Land south & west of Barnside and east of pond Hook Lane. Outline application with all matters reserved for a residential development of up to 14 No. dwellings & associated works including access, landscaping & open space.

This appeal was allowed following an officer's delegated decision to refuse.

- BE/77/16/OUT - Land West of New Barn Lane. Outline application with all matters reserved for up to 50 residential units.

This appeal was called in by the Secretary of State and was allowed in line with the officer's recommendation to approve.

7.0 COSTS

7.1 The cost of defending appeals during 2018, where Counsel and consultants were used is set out in the table below. It should also be noted that significant officer time was also spent managing these appeals.

Site	Decision	Counsel costs (£)	Consultant Costs (£)	Overall Cost (£)
Land west of Church Lane and south of Horsemere Green Lane.	Allowed	£22,000	£4,000	£26,000
Land to the south of Ford Lane and east of North End Road.	Allowed	£8,500	-	
Land West of New Barn Lane. Outline application with all matters reserved for up to 50 residential units	Allowed	£6,000	-	£6,000
TOTAL (£)		£36,500	£4,000	£32,000

8.0 SECRETARY OF STATE CALL-IN INQUIRIES

8.1 Below is a list of recent call-in inquiries that the Council has had to defend in recent years and the costs and delays associated with those.

Application	Address	Inquiry	Cost	Delay	Decision
Y/19/16/OUT	Land off Burndell Road, Yapton.	Called In	£5,500	13 months	Allowed
WA/22/15/OUT	Land East of Fontwell Avenue, Fontwell.	Called In	£33,500	19 months	Allowed
Y/60/14/OUT	Ford Lane East of North End Road Yapton	Recovered	£36,604	23 months	Refused
BE/77/16/OUT	New Barn Lane, Bersted	Called In	£6,000	13 months	Allowed

9.0 SUMMARY OF ISSUES

- 9.1 Attached to this report as Appendix 2 is a summary of all of the appeal decisions received in the 2018 period.
- 9.2 Generally, those Local Plan policies that are used in the defence of householder appeals and more minor proposals are afforded significant weight by Inspectors when determining appeals. Similarly for householder appeals where Neighbourhood Plans have been made and policies referred to they too have been given significant weight. This is to be expected as they are policies that are in conformity with good planning principles within the NPPF.
- 9.3 During the early part of 2018 and prior to the adoption of the new Local Plan in July 2018 Inspectors were affording very little weight to the emerging policies in the 2018 Local Plan. Since adoption policies in the new Local Plan are given full weight and as a result policies on design and residential amenity (D SP1 & D DM1) have been afforded due weight.
- 9.4 It can be noted that unlike previous years Inspectors support for Arun's householder policies has fallen below 50%. This can possibly be understood to be that a number of different Inspectors have, on a number of occasions, tended to disagree with officers view of what constitutes unacceptable harm to the appearance of a dwelling and that of the area it sits in. What is becoming clearer year on year is that it is getting a lot more difficult to defend appeals for small scale development and Inspectors are a lot more relaxed about the more minor planning applications.
- 9.5 The schedule of appeal summary for all appeals determined in 2018 attached to this report highlights the issues raised by Inspectors when making decisions.
- 9.6 In the case of written rep appeals 43% of all Inspectors decisions were in agreement with the officer decision to refuse the application.
- 9.7 The schedule in Appendix 2 reveals all 15 appeals where the Inspector has disagreed with officer recommendation. The areas of disagreement are as follows:
- In thirteen of the decisions (87% of cases) the Inspectors disagreed with officer's view that proposals would result in unacceptable harm to the areas character and appearance. This clearly requires that when refusing applications on grounds of character and appearance a greater examination/understanding of the area is required before using this as a reason for refusal.
 - In four appeal decisions Inspectors have disagreed that proposals would have an adverse effect on neighbour's residential amenity. One of these decisions would now be avoided as the Council no longer relies on its own room size standards but rather those prescribed nationally and another one would have fallen away had it been identified at application stage that an HMO comprising 6 rooms could have

been created without requiring permission. Therefore a HMO proposing 7 rooms is not significantly greater to warrant refusal in terms of character and residential amenity.

- In two appeals, Inspectors disagreed that a sites location outside the built up area did not necessarily mean that it should be refused on sustainability grounds. Where the location of an appeal property is remote and if officers, as a result, are to use the reason for refusal that it will generate a reliance for car borne transport in conflict with NPPF guidance then it needs to be established why.
- In one appeal the Inspector disagreed with officer's opinion that the change of the appearance of a heritage property in a conservation area from the replacement of windows was unacceptable. A more rigorous assessment of the NPPF and Paras 189 – 192 is required where it sets out a clear process in considering impacts on heritage assets.
- An advert appeal was found against the Council on grounds of pedestrian safety. The advice of County Highways was not accepted by the Inspector. Officers need to give greater scrutinise to the advice given by consultees.
- In one appeal the Inspector concluded that officers were at fault for not suggesting conditions to address the issue of unacceptable noise. In finding against the Council the Inspector also awarded costs against the Council. In that same appeal the issue of unacceptable highway safety was disagreed with on the grounds that, in line with the NPPF, it was not severe.

9.8 In some cases DCC Members resolve to overturn officer recommendations to approve. In 2018 there were 5 cases when this took place and the eventual appeal was allowed. The areas of disagreement are as follows:

1. The Inspector could find no compelling evidence to substantiate Members' view that the proposal would endanger occupier's safety by the building being close to a railway line. Costs were awarded against the Council for using this as a reason for refusal. Where members choose to refuse in such cases they must have the support/evidence of expert professional advice.
2. In two appeal decisions for residential development outside the built up area boundary inspectors concluded that, at the time, the Council's supply of housing was below 5 years and could not find a compelling case for unacceptable harm in terms of character and appearance. Whilst the Council now finds itself to have a 5year supply of housing members still have to make a careful analysis of the character before refusing on grounds of character and appearance. Inspectors base their decisions on a close examination of what they consider to be the character of the area.
3. In the case of the Regis Centre the Inspector found against Members on grounds of design excellence and lack of parking. In the case of parking costs were awarded against the Council for failure to provide credible evidence in this respect. Members when wanting to go against the advice of statutory consultees must have compelling evidence to the contrary when using this as a reason for refusal. This was a point in question when Members refused the application on

land west of Church Lane, Climping. The inspector in this case found the highway credentials of the proposal acceptable.

10.0 COSTS AWARDS AGAINST THE COUNCIL

10.1 One significant element of appeals performance is the quality of decision making and the Council's ability to impose reasons for refusal that are reasonable and can be robustly defended.

10.2 During this period, there were 3 awards of costs. In all 3 cost decisions the Council had costs awarded against it. The 3 cost applications are:

- Regis Centre, Bognor Regis (BR/156/16/PL). An application for an award of full cost was made by the appellant. In deciding to award a partial award the Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense had been demonstrated for failure to substantiate a highway reason for refusal. Negotiations are still taking place to have the cost agreed to approximately £10,000 versus the appellant's claim of £50,000.
- Ford Lane, Yapton (Y/80/16/OUT). Partial costs were awarded against the Council for a failure to acknowledge at an earlier stage that two reasons for refusal could adequately be dealt with through the imposition of conditions. Had the Council confirmed this and agreed such conditions early in the appeals process (instead of at the start of the inquiry) it would have avoided these costs. The costs incurred were £10,000.
- Land west of Brook Lane and south of A259, Angmering (A/44/17/OUT). Partial award of cost awarded against the Council for failure to give evidence to support the reason given for refusal concerning proximity to railway line. This was a decision made contrary to officers recommendation which the Council were unable to provide satisfactory evidence to support at the appeal, The costs agreed with the appellant amounted to £6,517.00.

10.3 In the case of BR/156/16/PL & A/44/17/OUT above these were officer recommendations to approve which were overturned at Development Control Committee. This is a reminder that decisions need to be supported by evidence when dealing with technical matters and that when a decision is taken that is not supported by evidence, the Council will be at risk of significant costs.

11.0 APPEAL RESULTS IN NEIGHBOURING AUTHORITIES FOR 2018

- 11.1 Worthing Borough Council had 15 decisions. Of these 12 were dismissed and 3 allowed. This represents a success rate of **80%**.
- 11.2 Chichester District Council had 60 decisions of which 44 were dismissed representing a success rate of **73%**.
- 11.2 Horsham District Council had 82 appeal decisions. Of these 65 were dismissed and 17 allowed. This represents a success rate of **79%**.

12.0 UNDER PERFORMING PLANNING AUTHORITY?

- 12.1 The Government's document 'Improving Planning Performance (2018)' says that the performance of Local Authorities in deciding applications for planning permission enables development to deliver home ownership, building homes people can afford to buy and supporting economic growth. It also states that a Local Planning Authority can be considered as not fulfilling this role by reference to the criteria in this document and it may be that "the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications".
- 12.2 The data used in measuring performance by the quality of decisions made by Local Planning Authorities is the proportion of decisions on applications that are subsequently overturned at appeal. If the threshold of 10% is exceeded, the department will be designated as an 'under performing authority' and applications can be submitted direct to the Planning Inspectorate for determination.
- 12.3 In the case of Arun for the period 01/01/16 – 31/12/17, it records the number of major application decisions as 82 which have resulted in 7 appeals. Of these 6 are categorised as major decisions which have been overturned at appeal. It then goes on to score Arun as 7.3% in terms of quality of decisions. This compares to 2.3% for England as a whole.
- 12.4 There are only 10 other planning authorities in England with a poorer performance against this criteria. Other authorities in West Sussex perform as follows;
- | | | |
|------------|---|---|
| Chichester | - | 1.8% |
| Horsham | - | 1.4% |
| Mid Sussex | - | 4% |
| Adur | - | 0%* (*no appeal decisions on major proposals) |
| Worthing | - | 0%* (*no appeal decisions on major proposals) |
| Crawley | - | 0% |

13.0 **CONCLUSIONS**

- 13.1 When compared to 2017, the above shows a 10% reduction in the overall success rate in terms of the Council's ability to defend appeals. The Council has not met its corporate target of winning 70% of appeals for the last 5 years.
- 13.2 The performance of the Council in defending appeals 2018 is set out in the table below.

1 January 2018 – 31 December 2018

	Total dismissed (%)	In accordance with officer recommendation (%)	In accordance with decision made by DC Committee (%)
All appeals	38%	48%	20%
Written Reps	44%	52%	50%
Informal Hearing	0	100%	0%
Public Inquiry	0	66%	0%

- 13.3 Overall, written reps appeal decisions in accordance with officer recommendations have dropped by 11% from 63% in 2017 to 52% in 2018. In terms of Hearings and Public Inquiries there has been 80% Inspector agreement with officer recommendations.

Background Papers:

Appendix 1 - Appeals Figures 2014-2018

Appendix 2 – Appeals Summary 2018

Contact: Juan Baeza

Tel: 01903-737765

Email: juan.baeza@arun.gov.uk

Appeal Figures 2014 – 2018

APPENDIX 1

	2014	% Dismissed	2015	% Dismissed	2016	% Dismissed	2017	% Dismissed	2018	% Dismissed
Total number of appeals	48		52		39		25		29	
Total dismissed	33	69 %	24	46 %	19	49 %	12	48 %	11	38%
Written Reps			47		34		23		25	
Total dismissed	33	72 %	24	51%	17	50 %	12	52 %	10	44%
Decision in acc with officer recommendation	31	67%	22	65 %	17	57 %	12	63 %	9	52%
Decision in acc with DC Committee	1	17 %	1	33 %	1	25 %	1	25 %	2	50%
Informal Hearing			3		3		0	0	1	
Total dismissed	0	0	3	100 %	1	33 %	-	-	0	0%
Decision in acc with recommendation	1	100 %	1	50 %	1	33 %	-	-		0%
Decision in acc with DC Committee	0	0	1	50 %	-	-	-	-		100%
Inquiry			2		2		2		3	
Total dismissed	0	0	0		1	50 %	-	-	0	0%
Decision in acc with recommendation	0	0	-	-	1	50 %	2	100 %	2	66%
Decision in acc with DC Committee	-	-	0	0	1	50 %	-	-	0	0%

Appeals Summary 2018

APPENDIX 2

Site	Proposal	Recommendation/ Decision/Appeal Decision	Issues Raised by Inspector
AL/8/16/OUT Land South & West of Barnside	Outline app. With all matters reserved for residential development of up to 14 dwellings	Refused(R) – Refused(R) - Allowed(ALC)	<ul style="list-style-type: none"> • The Council is progressing its new Local Plan, and examination hearings have taken place. However, the Plan (Arun Local Plan 2011-2031) has not yet been adopted, and it may be subject to change. This limits the weight I can accord its policies. • The main issue is the effect of the proposed development on the character of the area. • Given the enclosure of the site, the location of the existing structures within it, and in the context of the changing pattern of development in this section of Hook Lane, the low density and semi-rural character of this part of Hook Lane would not be unduly diminished. The appeal proposal is in outline form and there is no reason why the design should not be of a high quality that reflects local character and respects and enhances local distinctiveness. • The appeal proposal would therefore not conflict with saved policy GEN7 in the Arun District Local Plan 2003 or policies H1 and H3 of the Aldingbourne Neighbourhood Development Plan 2014-2034 (NP).
AW/38/17/PL 74 Barrack Lane, Aldwick	Demolition of existing dwelling house & annex & erection of 5No. dwellings, with access drive & associated works. Re- submission of AW/80/16/PL	R-R-Dismissed (DIS)	<ul style="list-style-type: none"> • The main issues are; <ul style="list-style-type: none"> - The effect of the proposal on the character and appearance of the area. - The effect of the proposal on the living conditions of neighbouring occupiers. - Whether the proposal would provide adequate parking. • I find that the proposal would cause significant harm to the character and appearance of the area. It would conflict with saved Policies AREA1 and AREA2 of the Arun District Local Plan 2003 (the Local Plan) with regards to ensuring that development makes a positive contribution to, and enhances the Area of Special Character and the Conservation Area. The proposal would not provide a development which demonstrated a high quality of design and layout and would fail to protect trees subject to a TPO, in conflict with the aims of Policies GEN 7 and GEN 28 of the Local Plan. • The proposal would conflict with paragraphs 17 and 64 of the National Planning Policy Framework with regards to securing high quality design. • I find that the proposal would fail to provide adequate living conditions for future occupiers of the proposal, and in respect of plot 1, for occupiers of no 78

			<p>Barrack Lane.</p> <ul style="list-style-type: none"> On the basis of the evidence submitted I am satisfied that the access to Plot 5 could be provided to ensure that the proposal provided adequate and accessible parking.
AW/316/17/HH 28 Blenheim Court	Detached Garage	R – R - ALC	<ul style="list-style-type: none"> The main issues in this appeal are: <ul style="list-style-type: none"> a) The effect of the proposal on the street scene, and b) The effect of the proposal on the living conditions of the neighbours at No 47 St Peters Close, with particular regard to outlook. I conclude that the proposal would respect the street scene. There would be no conflict with Policy GEN7 of the Arun District Local Plan 2003 (Local Plan), the Aldwick Parish Design Statement and the National Planning Policy Framework (Framework) and in particular Section 7, all of which seek a good standard of design which respects the local context. I conclude that there would be no material harm to the living conditions of the neighbours at No 47 St Peters Close, with particular regard to effect on outlook. There would therefore be no conflict with Policy GEN7 of the Local Plan as well as one of the core principles of the Framework both of which seek a good standard of amenity for existing and future occupiers of land and buildings.
AW/11/18/HH 1 Wilman Gardens Aldwick	Boundary Wall	R-R-DIS	<ul style="list-style-type: none"> The main issue in this appeal is the effect of the proposal on the street scene. The proposal would provide a solid edge along the boundary and would remove the verge which currently contributes to the open and verdant character and appearance of the local area. The re-siting of the wall along the boundary edge would be a visually discordant feature which would be enclosing to the currently open vista into Wilman Gardens from Blondell Drive. It would be visually intrusive and out of character with the more open street scape in the local area.
AW/328/17/OUT 14 Princess Ave Aldwick	Outline application with some matters reserved for the conversion of existing dwelling into 5 self contained flats	Approve (A) - R – DIS	<ul style="list-style-type: none"> The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the future residents of the flats, having regard to internal space. The development would harm the character and appearance of the area by reason of its poor design. Accordingly, the proposal would conflict with policies D DM1, D DM4 and D SP1 of the Arun Local Plan (ALP) 2011-2031 (2018). Taking into account that the proposed size standards comply with the government's technical housing standards – the Nationally Described Space Standards all these considerations, the accommodation size for the flats 1, 3 and 5 would be acceptable and not harmful to the living conditions of future residents. The proposal would comply with ALP policy D DM2.
A/176/17/PL	Construction of	R-R-DIS	<ul style="list-style-type: none"> The main issues are whether the appeal site is a suitable location for the

Land between Badgers/Ashurst	2 houses		<p>proposal, and the effect on the character and appearance of the area with particular regard to the Local Green Space.</p> <ul style="list-style-type: none"> Overall the siting, scale, design and introduction of this level of built form at this location would conflict with Policy HD5 of the Neighbourhood Plan which requires proposals to properly demonstrate how they have considered the impact of the proposed built form on the surroundings, and that development should follow the character of the existing built form and should integrate with development and the landscape setting.
A/44/17/OUT Land west of Brook Lane and south of A259, Angmering	Demolition of existing buildings on site and the erection of a mixed use development comprising residential units and care home	A – R - ALC	<ul style="list-style-type: none"> The main issue is whether the proposal would provide suitable access to public transport provision and whether prospective occupiers would enjoy safe living conditions with regard to the proximity to the railway line. Whilst I accept that the closest bus stops are some distance from the site, they would be accessible and, taking all these matters into account, there would be suitable access to public transport from the proposed development. The site is directly adjacent to the railway line. Further residential development is located on the other side of the railway. Information would be provided at reserved matters stage regarding the layout and landscaping of the development, including boundary treatment. These details would demonstrate how the occupants of the proposed development would be kept safe taking account of the proximity to the railway.
BN/8/17/PL Meadow View, Highground Lane, Barnham	The development proposed is change of use of an outbuilding to 1 no. 2 bed dwelling.	R – R - ALC	<ul style="list-style-type: none"> The main issue in this case is whether, in the light of national and development plan policy, the appeal site is a suitable one for housing in terms of its location in the countryside and accessibility. As the effects of the current proposal would be neutral in relation to the character and appearance of the appeal building, the development would not conflict with policy GEN7 on that point. It would, however, for the reasons given above, give rise to conflict by not reducing the need to travel by private car.
BE/77/16/OUT Land West of New Barn Lane	Outline application with all matters reserved for up to 50 residential units	A – R - ALC	<ul style="list-style-type: none"> There is a persistent undersupply of housing locally and concludes that the supply of housing is 2.07 years. There would be some harm to the character and appearance of the area by the introduction of built environment. However, given the proximity to the settlement edge, the adjoining development site, surrounding landscape, and flat topography, this harm would be limited, and that with planting that harm would be reduced over time. The proposal would not have a detrimental effect on the free flow of traffic or highway safety on the surrounding road network as a result of the additional traffic generated.

			<ul style="list-style-type: none"> Overall there would be a net benefit in terms of reducing flood risk in the area, the proposal would not result in flood risk for the occupiers of the new development and the development would not increase the risk of flooding elsewhere. The proposed development makes reasonable provision for any additional community and social infrastructure needs arising from the development.
BE/83/17/PL Land adjacent to 385 Chichester Road & 24 Ashurst Close	1 No. dwelling & associated parking.	R – R - ALC	<ul style="list-style-type: none"> The main issue is the effect of the proposal on the character and appearance of the area. The plot tapers towards the junction, however the dwelling would be located towards Ashurst Close, and I am satisfied that the siting of the dwelling would allow for adequate outdoor amenity space for future occupiers that would not be to the detriment of neighbouring occupiers. I find that the proposal would reflect the established character of the area, and would sit comfortably within the appeal site.
BR/156/16/PL The Regis Centre	Redevelopment of the Bognor Regis Centre to provide 6358 sqm of commercial space	A - R – ALC	<ul style="list-style-type: none"> The main issues are: <ul style="list-style-type: none"> i) Whether the scheme demonstrates sufficient design excellence having regard to the local character and qualities of the area and the aspirations for the regeneration of the seafront and town as a whole. ii) Whether the scheme would provide acceptable levels of parking to meet the needs of the development and the wider role of the town as a tourist destination. iii) Whether the particular contributions sought in respect of local infrastructure are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development. When considered as a whole the proposed scheme would represent design excellence. The scheme would incorporate landscaping, and the use of materials to match and complement the local context. The appearance of the buildings and their uses would be of high quality. The scheme would be in line with the objectives set out in the supporting text of Policy 8a of the NDP. The approach would relate strongly to Bognor Regis's identity as the first purpose built resort. The scale of the buildings and general simple block form would be sympathetic to smaller buildings close to the sites but also respectful of those with more significant scale such as the tower block, striking the right balance between these factors. The design of the buildings take inspiration from Sir Richard Hotham noted for his involvement in the development of Bognor Regis as a tourist destination, and respects the historic and built environment of the

			<p>town. The scheme would respond to and integrate with the local surroundings.</p> <ul style="list-style-type: none"> • I conclude that the scheme would provide acceptable levels of parking to meet the needs of the developments and the wider role of the town as a tourist destination. It would not be in conflict with Policy 8b of the NP and Policy Area 7 of the adopted Local Plan. • There is no evidence to suggest that as the landowner the Council would never enter into a planning obligation, and the Council's position may change. To my mind the factors present in this case do not point to there being no prospect of the Council entering into a s106 agreement. There are no other planning reasons why the condition should not be attached. This would mean that the condition would meet the six tests set out in the Framework and that the infrastructure contributions requirements would be achieved.
<p>CM/1/17/OUT Land West of Church Lane, Climping</p>	<p>Outline application for the erection of up to 300 dwellings</p>	<p>A – R - ALC</p>	<ul style="list-style-type: none"> • Although there are now no outstanding issues between the main parties, concerns have been raised by third parties in relation to a number of matters. These concerns relate to highway safety, the potential effect on heritage assets, ecology and the loss of agricultural land, drainage and flooding, and the size of the development and its consequent effect on local infrastructure. • Measures have also been agreed by the appellant including a new footway along Crookthorn Lane, and for the Oyster Catcher junction, a scheme of street lighting and refreshing road lining and signage, and clearance of vegetation to improve visibility. Also agreed is a scheme to improve cycle crossing facilities at the Yapton Road / Oyster Catcher junction. There is now no highway reason why the appeal scheme should not proceed. • Outside the site but within the village are a number of listed buildings, including the Grade I Parish Church of St Mary, as well as various Grade II listed buildings. There is also a scheduled ancient monument comprising the Climping Deserted Medieval Village, located adjacent to the Church, as well as a number of non-designated heritage assets. Historic England's initial concerns have been addressed, and it now raises no objections to the scheme. Although it is possible that the appeal site may contain archaeological remains, both the Council and appellant agree that a suitably worded condition could be imposed to deal with this matter. • The ecological investigations undertaken do not suggest that permission should be withheld on ecological grounds, subject to appropriate conditions being attached to any permission²⁴ including the implementation of an Ecology Management and Mitigation Plan.

			<ul style="list-style-type: none"> • The site falls within the category of the best and most versatile agricultural land. Although Policy SO DM1 (Soils) of the Local Plan does not permit the development of such land, this restriction does not apply where the site is specifically allocated for development, as in this case, • A Flood Risk Assessment²⁵ confirmed that the majority of the site is within Flood Zone 1 where there is a low probability of flooding. The impact from groundwater and surface water flooding was considered to be potentially moderate. A Surface Water Drainage Assessment²⁶ indicates that a sustainable urban drainage system could adequately mitigate effects of the development. • Concerns have been raised regarding the size of the scheme and its consequent effect on local infrastructure, including education and medical facilities. However, I am satisfied that the completed planning obligation (discussed below) means that the proposed development would make appropriate and necessary provision for infrastructure.
EP/59/17/PL Tudor Lodge, Sea Road, EP	Demolition of existing dwelling and erection of 7 dwellings	R – R - ALC	<ul style="list-style-type: none"> • The main issue in this case is the effect of the development on the character and appearance of the area, and in particular the Area of Special Character. • The well-tended hedge on the South Strand boundary would be retained, and that boundary opened up by removal of the existing high, close boarded fence. As there would be space for planting at the corners of the site and within the front garden areas, I also conclude that the development would not undermine the green and well-planted character of the area.
R/210/17/HH 7 Orchard Gardens	Retention of wooden gate & raised bed planter to front.	R – R - ALC	<ul style="list-style-type: none"> • The main issue is the effect of the development on the character and appearance of the area. • I am not persuaded that the planter and gate at No 7, which is in part of the estate that is only visible from the immediately surrounding area, is harmful.
EP/148/17/PL 20 Lashmar Road	1 No. dwelling with associated car parking, dropped kerb access & planting.	R – R - DIS	<ul style="list-style-type: none"> • The main issue in this appeal is the effect of the proposal on the character and appearance of the Lashmar Road area of East Preston. • The visual effect of the site constraints and the design solution chosen is of a cramped form of development relative to the site boundary. The result is an incongruous addition to the street-scene that would appear out-of-place and would therefore not be well-integrated with existing built form, whilst eroding the openness of the road.
FP/234/17/PL 10 South Road	1 residential detached chalet	R – R - DIS	<ul style="list-style-type: none"> • The main issue is the effect of the proposal on the character and appearance of the area.

Felpham	on the land to the rear		<ul style="list-style-type: none"> The design and style of the dwelling would not be out of keeping with the varied design of dwellings in the cul-de-sac and the wider area. However, the siting of the access, the introduction of prominent urban development, and the resultant harm to the character of the area, would introduce a pattern of development that would be harmful to the verdant and sylvan style of this cul-de-sac.
FG/8/17/PL Land North of Littlehampton Rd	Camping facilities comprising 23 eco yurts	R – R - DIS	<ul style="list-style-type: none"> The main issues are:- <ul style="list-style-type: none"> - The effect on the character and appearance of the area. - The effect on the significance of the Scheduled Ancient Monument and Registered Park and Garden. - Whether, in the light of national and development plan policy, the development would be acceptable in terms of accessibility and environmental considerations. As a visible intrusion into a largely rural area, on a relatively exposed hillside site, the development would not be particularly well-integrated with its surroundings. It would as a result of this and its appearance in views of Highdown Hill have a harmful effect on the setting of the National Park when viewed from the south. As the development would have the effect of diminishing the rural setting of the Scheduled Ancient Monument by introducing built development into the countryside close to it, and as it would intrude into long views of it, I consider that it would harm the setting of this heritage asset, and thereby, its significance. The site would not be particularly easy to reach by public transport, as the railway station is some distance away and there is no controlled crossing over the A259. While the submitted information hints at the use of a shuttle, no evidence has been put before me of the operation of such a service, and I cannot therefore be sure that it would be a sustainable one which would effectively offset the use of private cars to access the site. There would therefore be no benefits in encouraging sustainable patterns of travel.
FG/162/17/PL 1 Upper West Drive	Demolition of existing detached garage & erection of 1 No. dwelling.	R – R - DIS	<ul style="list-style-type: none"> The main issue is the effect of the development on the character and appearance of the area, including the Sycamore tree subject to a tree preservation order (TPO). When that characteristic of the development is coupled with the footprint of the bungalow, which would around double that of the existing garage, and the new building occupying much of the space that currently exists between No 1 and the garage, I consider that this development would not be respectful of its surroundings. That is because it would have a cramped appearance compared with the development that characterises the area within the immediate vicinity of No 1.

			<ul style="list-style-type: none"> I would expect the occupiers of the bungalow to seek, at the very least, to have the Sycamore pruned repeatedly and were such pruning to be undertaken that would reduce the amenity contribution this tree makes to the streetscene.
LU/283/17/HH Flat 1 56 South Terrace	Removal & erection of fence.	R – R - DIS	<ul style="list-style-type: none"> The main issue is the effect of the fence on the character and appearance of the host property and the surrounding area. The fence at No 56 projects above the existing boundary wall and its pillars. As a consequence it appears both prominent and out of proportion. The use of horizontal boarding, which has been painted grey, appears at odds with materials used in the boundary treatments elsewhere in the street. In my view the fence is an alien and incongruous addition to the street scene which detracts from the appearance of the host property and the terrace of which is it a part. This is not only harmful to the immediate vicinity of the site, but is also to the detriment of public views of the building from the public open space between South Terrace and the promenade.
LU/111/17/PL 19 Bayford Road	Change of use of existing residential property (C3 Dwellinghouses) to form 1 No. 7 bedroom HMO (Sui Generis).	R – R - ALC	<ul style="list-style-type: none"> The main issues in this case are:- <ul style="list-style-type: none"> whether, in the light of development plan policy relating to housing mix, the development would be an appropriate one; and the effect of the development on the living conditions of neighbouring occupiers in respect of noise and disturbance. Bayford Street is a long street, and the total of identified HMO properties would represent a small proportion of the large number of residential properties in it. The appellant has pointed out that the property would be capable of being converted to a small house in multiple occupation (HMO) through the exercise of permitted development rights, and this appears to me to be a fall-back position with a realistic chance of occurring. I conclude as a result that the effect of this development would be the provision of a single additional room over the number which could be achieved through the exercise of permitted development rights, which would therefore be marginal in effect.
LU/243/17/PL 56-57 Pier Road	Demolition of existing detached garage & erection of 1 No. dwelling.	R – R - DIS	<ul style="list-style-type: none"> The main issue is whether the proposed development would be at unacceptable risk from tidal flooding. Notwithstanding the proposed mitigation measures, therefore, I do not consider that these would be sufficient safeguards in the light of the more vulnerable and highly vulnerable nature of the accommodation and the nature of any severe flood event.
R/64/17/PL	Demolition of	R – R - DIS	<ul style="list-style-type: none"> The main issue is the effect of the development on the character and

St Marys Close, Hurst Road, Rustington	the existing dwelling and erection of 4 residential dwellings.		<p>appearance of Hurst Road.</p> <ul style="list-style-type: none"> • Their plot widths the replacement houses would have a relatively tight and regimented siting relationship with one another, with there being limited space between them. In that regard the width of St Marys Close corresponds with the combined width of the three dwellings directly opposite. The properties opposite having a quite spacious appearance, a characteristic that the new development would not share. My concern in this regard is not with the plot densities per-se but with the lack of space between the houses. • I therefore consider that the development would not be respectful of Hurst Road's streetscene.
R/177/17/A 16A Ash Lane, Rustington BN16 3BZ	The advertisement proposed is a wooden A board.	R – R - ALC	<ul style="list-style-type: none"> • The main issue in this appeal is the effect on public safety. • It is set back from the footway running north to south along the main through road. It is placed over a bollard in a fairly wide paved area and has significant space around it.
R/99/17/PL Rustington Parish Church Hall, 77 The Street	Replace 6 No. windows on south elevation & 4 No. windows on east elevation with double glazed PVCu windows.	R – R - ALC	<ul style="list-style-type: none"> • The main issue is the effect of the proposal on the significance of the building as a heritage asset, and on the character and appearance of the Rustington Conservation Area. • Having mind to the location of the windows in question and the varied nature of the rear of the building with evidence of previous additions and changes, it is concluded that the significance of the building as far as the conservation area and its role as a locally listed building within the Local Plan resides almost entirely at the front elevation and the west side flank elevation, both clearly visible from The Street and both clearly displaying architectural interest and use of materials.
R/51/18/HH 27 Jubilee Avenue	Demolition of existing single garage and erection of detached double garage.	R- R - ALC	<ul style="list-style-type: none"> • The main issues are the effects of the proposed development firstly, on the character and appearance of the area and secondly, on the living conditions of occupiers of No 29 Jubilee Avenue with particular reference to outlook. • The as built detached double garage comprises a simple pitched roof and extends to almost the width of the garden. It is taller than these other ancillary buildings but views are limited along the access road by their presence and boundary planting. Views from the adjacent public open space are also limited, angled between established tall planting and seen in the context of a variety of ancillary buildings, staggered by heights and gently sloping ground level. The building does not appear significantly incongruous in the local or wider area.

			<ul style="list-style-type: none"> From what I saw during my site visit, the garage is set back at the rear of the garden whilst its roof slopes away from the host and neighbouring properties. I consider that its design and positioning, combined with the openness of the gardens and presence of other outbuildings and background landscaping means the development does not have an unacceptably overbearing impact. Despite the replacement garage being taller than its predecessor, the outlook both from the adjoining property and its garden area has not unacceptably changed.
WA/86/17/PL Pippins, Yapton Lane	Continuation of use of land for the stationing of 3 No. residential mobile homes	R – R - ALC	<ul style="list-style-type: none"> The main issues are; <ul style="list-style-type: none"> (i) The effect of the proposal on the character and appearance of the area, (ii) Whether or not the site is suitable for development having regard to its accessibility to local services and facilities. As the site is almost entirely contained, and the caravans are seen within the context of existing area of built form, I find that the proposal integrates comfortably with its surroundings and complies with Policy GEN7 of the LP in respect of responding to the local character of the site and area. It is probable that future occupiers would be dependent on the private vehicle to access facilities and services. I am of the opinion that for the purposes of the totality of the development plan and the Framework that this would be a sustainable form of development which weighs greatly in its favour.
Y/80/16/OUT Land to the south of Ford Lane/east of North End Road, Yapton.	4.5 hectares of residential development partly comprising 3.4 hectares of land for up to 100 dwellings.	R – R - ALC	<ul style="list-style-type: none"> The main issues are: <ul style="list-style-type: none"> - whether adequate provision would be made towards the infrastructure requirements arising from the proposed development; - the impact on the living conditions of future occupiers of the site from potential noise generated within the adjacent Orchard Business Park; - the impact of the proposal on the operation and safety of the road network. An executed second UU was submitted and, as a consequence, the Council no longer pursued its reason that the proposal failed to take account of the full requirements for infrastructure that would be generated. At the Inquiry it became common ground between the Council and the appellant that the issue of potential noise could be addressed through the imposition of a condition requiring, if necessary, the proposal's layout and dwelling design to be subject to a scheme of mitigation at the appropriate reserved matters stage. On the above basis I accept that this would provide a suitable means of addressing this issue.

			<ul style="list-style-type: none"> It has not demonstrated conflict with paragraph 32 of the Framework which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. Nor has it shown that highway safety would be unacceptably compromised.
Y/48/17/HH 8 Canal Road, Yapton	Replace 4ft fence with 6ft closeboard wooden panel fence	R – R - ALC	<ul style="list-style-type: none"> The main issue is the effect of the fence on the character and appearance of the area. The fence would not appear unduly dominant.
Y/77/17/OUT Lake Barn, Maypole Lane	The erection of detached single storey dwelling house	R – R - ALC	<ul style="list-style-type: none"> The main issues are; <ul style="list-style-type: none"> (i) The effect of the proposal on the character and appearance of the area, and (ii) Whether or not the site is suitable for residential development having regard to its accessibility to local services and facilities. Development of the site for one dwelling would be a continuation of the linear form of development along Maypole Lane. Given the siting and likely scale of the dwelling, which the indicative drawings suggest would be single storey, and having regard to the existing mature planting along the boundary and the surrounding built form, I consider that this development would not have a significant effect on the character and appearance of the countryside at this point. I do not consider that the appeal site is any less sustainable than those sites within close proximity that have been referred to by the appellant. This approach to the consideration of this issue is consistent with the Braintree judgement of 15 November 2017, which has provided clarification in respect of the interpretation of ‘isolated homes’ for the purposes of paragraph 55 of the Framework.